

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ALBERT MARQUAVIOUSLAMAR)
ANDERSON,)
)
 Plaintiff,)
)
v.) 1:23-cv-264
)
WINSTON SALEM POLICE)
DEPARTMENT, et al.,)
)
 Defendants.)

ORDER

This matter is before the court for review of the Order and Recommendation filed on April 13, 2023, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b), (Doc. 3), as well as for rulings on the "Motion for Protective Order," (Doc. 5), the "Motion for Court Order," (Doc. 6), and the "Motion for Temporary Restraining Order Injunction Relief," (Doc. 7), filed by Plaintiff. In the Recommendation, the Magistrate Judge recommends that the Complaint should be filed and dismissed sua sponte without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects cited in the Recommendation. (Doc. 3.) Plaintiff filed Objections to the Recommendation. (Doc. 8.)

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified

proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge or recommit the matter to the [M]agistrate [J]udge with instructions." *Id.*

This court has appropriately reviewed the Recommendation as well as Plaintiff's Objections and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation. This court has also reviewed Plaintiff's Motions, which seek, inter alia, (i) relief associated with Plaintiff's "Motion for Existence of Insanity" in an earlier lawsuit, (Doc. 8 at 1), (ii) an order prohibiting the use of an ankle monitor upon Plaintiff's impending release from imprisonment, and (iii) expungement of Plaintiff's entire criminal record, so that he obtains "a clean rap sheet," (Doc. 7 at 3). (See Docs. 5-7.) Having fully considered the Motions, and given the disposition of Plaintiff's Complaint, this court determines that the Motions should be denied.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 3), is **ADOPTED**. **IT IS FURTHER ORDERED** that this action is **DISMISSED** without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects cited in the Recommendation, and that Plaintiff's Motion

for Protective Order, (Doc. 5), Motion for Court Order, (Doc. 6), and Motion for Temporary Restraining Order Injunction Relief, (Doc. 7), are **DENIED**. A judgment dismissing this action will be entered contemporaneously with this Order.

This the 10th day of May, 2023.

William L. Osten, Jr.
United States District Judge